

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

KENNETH CLARK,	)	
	)	
Plaintiff,	)	4:09CV3259
	)	
v.	)	
	)	
AKSAMIT,	)	ORDER
	)	
Defendant.	)	
	)	

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This matter is before the Court on plaintiff's motion for decision and appeals (Filing No. 25) and motion for leave to proceed in forma pauperis ("IFP") (Filing No. 26). The Court will address each motion in turn.

***I. Motion for Decision and Appeals***

In his motion for decision and appeals, plaintiff states that he "would very much appreciate a speedy trial." However, the Court dismissed this matter and entered judgment against plaintiff on July 2, 2010 (Filing Nos. 21 and 22). Therefore, plaintiff's motion for decision and appeals will be denied as moot.<sup>1</sup>

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<sup>1</sup> To the extent that plaintiff intended his motion for decision and appeals to act as a notice of appeal, his motion will also be denied. Plaintiff filed his motion more than thirty days after judgment was entered in this matter. (See Docket Sheet.) Federal Rule of Appellate Procedure 4(a)(1) requires that the notice of appeal in a civil case be filed within thirty days after judgment is entered. "A timely notice of appeal is both mandatory and jurisdictional." Burgs v. Johnson County, Iowa, 79 F.3d 701, 702 (8th Cir. 1996).

***II. Motion for Leave to Proceed IFP***

Plaintiff also seeks leave to proceed IFP in this matter. However, the Court previously granted plaintiff leave to proceed IFP (Filing No. 6). As discussed above, the Court dismissed this matter and entered judgment against plaintiff on July 2, 2010 (Filing Nos. 21 and 22.) Therefore, plaintiff's motion for leave to proceed IFP will also be denied as moot.<sup>2</sup> Accordingly,

IT IS ORDERED that plaintiff's motion for decision and appeals (Filing No. 25) and motion for leave to proceed IFP (Filing No. 26) are denied.

DATED this 31st day of August, 2010.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court

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<sup>2</sup> To the extent that plaintiff intended his motion for leave to proceed IFP to act as a motion for leave to appeal IFP, his motion is denied. As discussed above, plaintiff failed to file a notice of appeal within thirty days after judgment was entered in this matter.

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